

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANNY J. BRAUNBERGER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration.

Defendant.

CASE NO. 13-cv-05595 BHS

**REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND**

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28

U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews*, *Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 15.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

1 On remand, based on the parties' stipulation, this Court recommends that the
2 Administrative Law Judge (ALJ) hold a new hearing and issue a new decision. The ALJ shall
3 obtain additional evidence; give claimant an opportunity for a hearing; and evaluate further the
4 medical opinions of Drs. Neims and Wingate. The ALJ shall also evaluate the evidence
5 submitted since the last hearing decision.

6 The ALJ shall make a *de novo* determination as to disability, and issue a new decision.

7 The parties agree that plaintiff shall be eligible for attorney's fees pursuant to the Equal
8 Access to Justice Act, 24 U.S.C. § 2412 *et seq.*, following proper presentation to the Court.

9 Given the facts and the parties' stipulation, the Court recommends that the District Judge
10 immediately approve this Report and Recommendation and order the case be **REVERSED** and
11 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

12 Dated this 2nd day of April, 2014.

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15 J. Richard Creatura
16 United States Magistrate Judge
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